

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No. 05-30117-KPN

KATHLEEN MILLER,  
Plaintiff

v.

VERIZON COMMUNICATIONS INC.,  
Defendant

**PLAINTIFF'S EMERGENCY MOTION TO POSTPONE HEARING ON  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND FOR LEAVE TO FILE  
A FIVE-PAGE SUR-REPLY MEMORANDUM**

NOW COMES the Plaintiff, Kathleen Miller, in the instant case, and respectfully requests that this Court allow the within Motion for the following reasons:

1. The hearing on the Defendant's Motion For Summary Judgment is currently scheduled to be held on July 26, 2006 at 2:00 p.m.
2. Yesterday evening the Defendant served the Plaintiff with a Motion To Strike and an accompanying Memorandum (fifteen pages), along with a Motion to file a Reply Brief with a Reply Brief (five pages).
3. The Plaintiff intends to file an opposition to said Motion To Strike. However, the Plaintiff has inadequate time to do so prior to July 26, 2006, and, as it stands, she would not be allotted the 14 days to respond to the Motion To Strike under Local Rule 7.1. The Plaintiff's Counsel is out of the office much of the next two business days with depositions and other work-related matters and is unable to prepare an opposition memorandum within two business days.

4. It would be unjust and prejudicial to the Plaintiff to require that Plaintiff's Counsel respond to and argue her opposition to said Motion To Strike, orally, at the summary-judgment hearing without being afforded sufficient time to prepare an adequate response in writing.

5. Accordingly, Counsel for the Plaintiff requests that this Honorable Court postpone the hearing on the Defendant's Motion For Summary Judgment to a convenient date for the Court and allow the Plaintiff sufficient time under Local Rule 7.1 (fourteen days) to serve an opposition to the Defendant's Motion to Strike and to file a sur-reply memo not to exceed five pages. The Plaintiff says that her sur-reply memo is necessary since the Defendant is raising for the first time issues that merit a detailed response, i.e., the alleged inadequacies in the Plaintiff's Rule 56.1 Statement and the argument that her "perceived as" theory of proving handicap discrimination should not be considered.

6. Plaintiff's Counsel attempted to confer with Defendant's Counsel on this date regarding the filing of the within Motion, but was put into voicemail to leave a message.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court grant the within Motion and postpone the hearing on the Defendant's Motion For Summary Judgment for two weeks to allow for sufficient time under Local Rule 7.1 for the Plaintiff to respond to the Defendant's recently filed Motions.

Respectfully submitted:

The Plaintiff  
KATHLEEN MILLER

By: /s/ Michael O. Shea

Dated: July 21, 2006

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Local Rule 7.1 Certification

I hereby certify that I have attempted to confer with Counsel for the Defendant, Timothy P. Van Dyke, by telephone on this date with reference to the foregoing Motion; however I did not receive a response to the voice message that was left regarding the same.

/s/ Michael O. Shea  
Michael O. Shea

Certificate Of Service

I hereby certify that a true copy of the foregoing Motion was served upon Counsel for the Defendant, Timothy P. Van Dyke, Edwards, Angell, Palmer & Dodge, LLP, 111 Huntington Avenue, Boston, MA 02199, by electronic filing on this 21<sup>st</sup> day of July, 2006.

/s/ Michael O. Shea  
Michael O. Shea